

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-332

Eric Cote,)
Appellant,)
)
v.)
)
Chenier Durand and City of)
Cambridge,)
Appellees)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant asks the Board to grant a variance from 780 CMR 403.11, 780 CMR 406.1.2, 780 CMR 705.2, 780 CMR 705.3, 780 CMR 707.1, 780 CMR 708.2, 780 CMR 1015.2, and 780 CMR 2801.2.2.4 of the Massachusetts State Building Code ("MSBC") for 75-77 Ames Street, Cambridge, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on December 7, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board. The Appellant appeared for the hearing pro se. There was no representative present from the City of Cambridge Inspectional Services Department and the City of Cambridge Fire Department.

Discussion

Motion was made to approve the Appellants request for a variance from sections 780 CMR 403.11, 780 CMR 406.1.2 and 780 CMR 705.2, 780 CMR 705.3, 780 CMR 707.1, 780 CMR 708.2, 780 CMR 1015.2, and 780 CMR 2801.2.2.4 of the MSBC

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

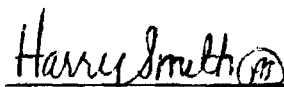
provided that the sprinkler system for the garage portion of the building be extended out to the next row of columns or to a minimum of eighteen feet and the protections measures required in order to exclude sprinklers from the NStar transformer vault must be implemented by the Appellant.

In lieu of installing suppression in the transformer vault the Appellant has proposed eleven protection measures to allow for the exclusion of sprinklers in the transformer vault. There will be flame retardant cables to be used in the vault; the vault will have a three hour fire rating; the maximum size of the vault will be 30 feet by 30 feet; vault will be located at grade; emergency independent exhaust stand by power will be located in the vault; the smoke and heat detection in the vault is connected to the building fire alarm system; transformers will be the less flammable insulating fluid type; the fire department will receive training to be equipped with a planned course of action in the event of an emergency; utility personnel will be the only people with access to the vault; and the vault will have containment features to control leaks. These protection measures are the usual requirements the Board requests; and the Appellant has agreed to faithfully execute each requirement. Motion carried 3-0.

Conclusion

The Appellant's request for variance from sections 780 CMR 403.11, 780 CMR 406.1.2 and 780 CMR 705.2, 780 CMR 705.3, 780 CMR 707.1, 780 CMR 708.2, 780 CMR 1015.2, and 780 CMR 2801.2.2.4 is hereby **GRANTED**.

SO ORDERED.


HARRY SMITH


JACOB NUNNEMACHER



STANLEY SHUMAN

DATED: January 18, 2007

** In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*